

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Part 97 of the Commission's) **RM-10413**
Amateur Service Rules Governing)
Operating Privileges)

To: The Commission

COMMENT REGARDING PETITION FOR RULE MAKING

1. Importance of Current Allocations

The "Novice" amateur radio spectrum allocations continue to be a training ground for all amateurs wishing to improve their skills in Morse. They remain to be a set of allocations where people of similar skill levels congregate to learn from each other in a well-organized domain. This petition of rule making negates this distinction and destroys the incentive to improve operator skills. "Novice" band segments are specifically allocated to effectively serve people learning to communicate in Morse without intimidation from seasoned operators sending at higher speeds; and to encourage CW operation now and in the future.

The ARRL proposal would be most damaging in the already overcrowded 40 meter band, especially during nighttime hours when the 7100 kHz to 7150 kHz spectrum is often filled with international broadcasters. It is much easier for narrowband CW and other digital modes to co-exist with broadcasters in this crowded and over-used spectrum than to encourage and endorse broadband modes like amateur radio SSB to compete for this space.

2. Removes Important Incentives

The ARRL should not encourage operators to abandon or discount CW, the most reliable and simple mode of transmission, especially during a period necessitating high preparedness for homeland security. CW has been relied upon for decades as the most reliable means of communication during emergencies. Do not clutter these essential allocations with unneeded, inefficient and less-reliable broadband transmissions.

3. Flawed Portrayal of a Casual Poll

The ARRL did not mention their poll was a preamble to a petition of rule making when presented on-line and in print. It appeared as an entertaining playful poll similar to others often seen on the ARRL web site and QRZ.com and eham.net. It was not portrayed as a meaningful poll with serious consequences. The underlying effect of reducing the size of allocations for exclusive CW operation was not emphasized until very late in the ARRL's polling and notification process. This was long after they had achieved the results that would support their intent. After tallying the inconclusive results, the ARRL went further and devised their own scheme for a revised band plan without further polling or seeking input from the rank-and-file of their membership and the amateur radio community in general. Less than 5,000 replies, possibly not unique and of unknown origin, became a representative sample of 680,000 licensed amateurs to support the desires of the ARRL. This poll is not a credible source of accurate information or a firm foundation for a rulemaking proposal. Never was the term "refarming" properly defined as "reassignment."

4. Author Background

The author of this comment is a member of The ARRL and holds an extra class amateur radio license, N2KZ and a General Radiotelephone Operators License. Accreditations include active volunteer examiner status with the ARRL and the W5YI National Radio Examiners. The author has been employed as a broadcast engineer since 1968, currently working with CBS Television in New York City.

5. Summary

Therefore, I respectfully ask The Commission to retain the current allocations as provided in Part 97 of FCC regulations. Digital modes, created either manually by operators or by computer assistance, continue to grow in importance as a reliable and spectrum-efficient communication method. Please retain the allocations necessary to continue current CW operation, and encourage the development of new digital modes. Spectrum dedicated primarily to CW should not be diminished at this critical time. I urge The Commission to secure these pivotal allocations for utilization today and to encourage the continuation of digital modes of operation for generations to come.

Respectfully submitted,

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